REMARKS/ARGUMENTS

In paragraph 4 of the Office action, claims 89-96 and 98-104 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Swenson et al. (U.S. Patent No. 6,064,380, issued 16 May 2000) (hereinafter "Swenson"). The claims have been amended to overcome the rejection.

Swenson teaches, beginning in column 4, line 65 and continuing to column 5, line 23, the operation of a "stop and save position" button. In this section of Swenson, a method is disclosed in which the position at which the file was stopped (hereinafter the "stopped position") is saved. The user may selectively designate a custom name for the saved file by inputting a title in the "Title To Save" input area. The "stopped position", which becomes the subsequent start position, may also include a rewind of a predetermined or selectable length used to refresh the user's recollection. Thus, it is seen in Swenson that position information, a title, and rewind information may be generated.

The Office takes the position that the title of the stopped position is metadata. While it may be true that a title may be used as metadata, Swenson does not use its title as metadata to help locate the stopped position, and simply calling the title in Swenson metadata does not change the way Swenson uses its title. In Swenson, if the user wishes to return to the stopped location, the title associated with the position information is selected, and the position information is used to locate the stopped position. In Swenson, the title is not used directly to locate the stopped position. Rather, the title, being associated with the position information, is the mechanism by which the user accesses the position information, and it is the position information, and only the position information, that is used to identify the stopped location. Swenson uses its "title" as a true title, a link to the position information, and not as metadata used in conjunction with the position information to locate the stopped position. Although this is a subtle point, it is necessary to understand the distinction between a title used as a title and a title used as metadata.

The same is true of the rewind information. The rewind information is not metadata as asserted by the Office. The rewind information is not used to help locate the stopped position. The rewind information is used after the stopped position is located. After the stopped position

is located, the rewind may be used "to refresh the user with the latter portion of the previously viewed video or other multimedia file." (Swenson, column 5, lines 13-16)

Swenson represents nothing more than the prior art as discussed in the present application beginning at paragraph 8.

> [0008] FIG. 1 illustrates a list 108 of conventional bookmarks 110, each comprising positional information 112 and title 114. The positional information 112 of a conventional bookmark is composed of a URI as well as a bookmarked position 106. The bookmarked position is a relative time or byte position measured from a beginning of the multimedia content. The title 114 can be specified by a user, as well as delivered with the content, and it is typically used to make the user easily recognize the bookmarked URI in a bookmark list 108. For the case of a conventional bookmark without using a bookmarked position, when a user wants to replay the specified multimedia file, the file is played from the beginning of the file each time, regardless of how much of the file the user has already viewed. The user has no choice but to record the last accessed position on a memo and to move manually the last stopped point. If the multimedia file is viewed by streaming, the user must go through a series of buffering to find out the last accessed position, thus wasting much time. Even for the conventional bookmark with a bookmarked position, the same problem occurs when the multimedia content is delivered in live broadcast, since the bookmarked position within the multimedia content is not usually available, as well as when the user wants to replay one of the variations of the bookmarked multimedia content.
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> [0009] Further, conventional bookmarks do not provide a convenient way of switching between different data formats. Multimedia content may be generated and stored in a variety of formats. For example, video may be stored in the formats such as MPEG, ASF, RM, MOV, and AVI. Audio may be stored in the formats such as MID, MP3, and WAV. There may be occasions where a user wants to switch the play of content from one format to another. Since different data formats produced from the same multimedia content are often encoded independently, the same segment is stored at different temporal positions within the different formats. Since conventional bookmarks have no facility to store any content information, users have no choice but to review the multimedia content from the beginning and to search manually for the last-accessed segment within the content.

[0010] Time information may be incorporated into a bookmark to return to the last-accessed segment within the multimedia content. The use of time information only, however, fails to return to exactly the same segment at a later time for the following reasons. If a bookmark incorporating time information was used to save the last-accessed segment during the preview of multimedia content broadcast, the bookmark information would not be valid during a regular fill-version broadcast, so as to return to the last-accessed segment. Similarly, if a bookmark incorporating time information was used to save the last-accessed segment during real-time broadcast, the bookmark would not be effective during later access because the later available version may have been edited or a time code was not available during the real-time broadcast.

[0011] Many video and audio archiving systems, consisting of several differently compressed files called "variations", could be produced from a single source multimedia content. Many web-casting sites provide multiple streaming files for a single video content with different bandwidths according to each video format. For example, CNN.com provides five different streaming videos for a single video content: two different types of streaming videos with the bandwidths of 28.8 kbps and 80 kbps, both encoded in Microsoft's Advanced Streaming Format (ASF). CNN.com also provides RM streaming format by RealNetworks, Inc. of Seattle, Wash. (RM), and a streaming video with the smart bandwidth encoded in Apple Computer, Inc.'s QuickTime streaming format (MOV). In this case, the five video files may start and end at different time points from the viewpoint of the source video content, since each variation may be produced by an independent encoding process varying the values chosen for encoding formats, bandwidths, resolutions, etc. This results in mismatches of time points because a specific time point of the source video content may be presented as different media time points in the five video files.

[0012] When a multimedia bookmark is utilized, the mismatches of positions cause a problem of mis-positioned playback. Consider a simple case where one makes a multimedia bookmark on a master file of a multimedia content (for example, video encoded in a given format), and tries to play another variation (for example, video encoded in a different format) from the bookmarked position. If the two variations do not start at the same position of the source content, the playback will not start at the bookmarked

> position. That is, the playback will start at the position that is temporally shifted with the difference between the start positions of the two variations.

It is respectfully submitted that the disclosure of Swenson does not overcome the problems inherent in the prior art. That is because, in part, Swenson does not use any metadata or content information to aid in the location of the stopped position. Although Swenson does have a title and rewind information, neither are used as metadata to aid in locating the stopped position. Swenson relies on only the position data to locate the stopped position, and if any of the conditions discussed above are applicable, that position information will not be sufficient to locate the stopped position. Claim 89, through its recitation of "generating at least two of the following three pieces of information for identifying the position of said particular location within said multimedia file: positional information; content information; and metadata information" overcomes the § 102 rejection based on Swenson.

Claim 89 has been further amended to make it clear that the title or image representing a particular location is something separate from, and in addition to, the information used for identifying the position of a particular location within the multimedia file, which identifying information consists of at least two of the following three types of information: positional information, content information, and metadata information. Claim 89 has also been amended to make it clear that the title or image is linked to the information identifying the particular location. Although it may be argued that the title or image in claim 89 is being used in the same manner as the title in Swenson, in Swenson, the title merely identifies the position information and not two of the following three types of information: positional information, content information, and metadata information. It is respectfully submitted that claim 89, as well as its dependent claims 90-92 and 105, are in condition for allowance.

Independent claim 93 has been amended in a manner similar to claim 89. More specifically, a bookmark is generated which has at least two of the following three pieces of information for identifying a particular location within a multimedia file: positional information, content information, and metadata information. Claim 93 also recites generating a title or image representing the bookmark, and linking the title or image to the bookmark. Claim 93 is therefore believed to be patentable over Swenson for the same reasons that claim 89 is believed to be

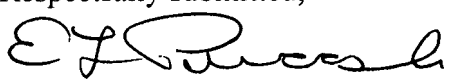
patentable. Accordingly, the rejection of claim 93, and its dependent claims 94-98 and 106 under Swenson should be withdrawn.

Claim 99 is a system claim which recites a memory device for storing a multimedia bookmark with the bookmark comprising at least two of the following three pieces of information for identifying a bookmarked position within a multimedia file: position information, content information, and metadata information. A search mechanism responsive to the information in the multimedia bookmark is used to enable access to the particular location within the multimedia file. That is to be contrasted with Swenson in which the memory stores the stopped position. If the user attempts to return to the stopped position and the same file is, for example, stored on a different host, the position information will likely be insufficient to return the user to the stopped position. Because Swenson relies solely upon position information to locate the stopped position, Swenson cannot overcome the problems inherent in the prior art. For that reason, it is respectfully submitted that claim 99, as well as its dependent claims 100-104, are in condition for allowance.

Request for Interview

Applicants have made a diligent effort to place the instant application in condition for allowance. If the examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the examiner is respectfully requested to contact applicants' attorney at the telephone number listed below **so that an interview may be scheduled before the issuance of a first Office action rejection**.

Respectfully submitted,



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